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FEE TRANSMITTAL FOR FY 2002

Complete if Known

Application Number 09/920,785
Filing Date August 1, 2001
First Named Inventor Paul K. Nakane
Examiner Name Herbert J. Lilling
Group Art Unit 1651
Attorney Docket No. 266/106 24748-7238

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TOTAL AMOUNT OF PAYMENT

(\$465.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-2518

Deposit
Account
Name

Bingham McCutchen LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20** =	x	\$
Multiple Dependent	- 3** =	x	\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$*)

number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	930	217	465	Extension for reply within third month	\$465
118	1,440	218	720	Extension for reply within fourth month	
128	1,970	228	985	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$465.00)

MITTED BY

Print/Type)

Bernard F. Rose

Registration No.
(Attorney/Agent)

42,112

Complete (if applicable)

Telephone

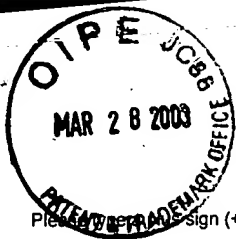
(650) 849-4902

Date

March 28, 2003

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24748-2247487238



03-31-03

1651

PTO/SB/21 (08-00)

Please sign (+) inside this box ☐

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/920,785	
	Filing Date	August 1, 2001	
	First Named Inventor	Paul K. NAKANE	
	Group Art Unit	1651	
	Examiner Name	Herbert J. Lilling	
Total Number Of Pages In This Submission	12	Attorney Docket No.	266/106

ENCLOSURES (check all that apply)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers
(for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Reply to Communication | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/
Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | | |

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TECH CENTER 1600/2900**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Bernard F. Rose Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, CA 94111-4067
Signature	
Date	March 28, 2003

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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PATENT
266/106
24748-7238

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

NAKANE, Paul K.

Serial No.: 09/920,785

Filed: August 1, 2001

For: RAPID ANTIBIOTIC
SUSCEPTIBILITY TEST

Group Art Unit: 1651

Examiner: Herbert J. Lilling

9/a
H.J.
5/20/03

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, DC 20231

Sir:

With regard to the non-final Office Action mailed October 21, 2002, please amend the claims and consider the remarks as set forth on the attached sheets.

INTRODUCTORY COMMENTS

Claims 1 – 16, 21 and 22 are presently before the examiner in view of applicant's election pursuant to the examiner's previous restriction requirement. In this Office Action, however, the examiner notes that claims 15 – 20 are both withdrawn from consideration and subject to restriction. Applicant assumes that this is an oversight on the part of the examiner and has not addressed the restriction requirement in this response.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service on the date shown below in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231

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